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"LOST" GRANTS. — Thanks to the foresight of our courts in adopting Rolle's view (2 R. Abr. 269. See *Coolidge* v. *Learned*, 8 Pick. 504; *Melvin* v. *Whiting*, 10 Pick. 295; *Reimer* v. *Stuber*, 20 Pa. 458; *Tracy* v. *Atherton*, 36 Vt. 503, annotated in the second edition), that cases of prescription should be decided by the analogy to the Statutes of Limitation, we in this country are interested only historically in the immediate question as to when one may and when one may not presume a lost grant; but the rise and wane of the doctrine upon that subject in England are interesting and practical in their bearing on the constant changes of substantive law under the guise of changes of presumption. At the time of the Prescription Act, 2 & 3 Wm. IV., if enjoyment of an easement for a long term of years was not a legal bar to its denial, at least the jury were entitled to make it one. Starting from a stretching of the old mode of proving a lost deed by parol evidence, the mushroom fiction grew until put a stop to by that statute. But the statute failed to do two things: it did not include easements of support, and it did not, in terms, abolish the fiction. The result of the first was *Angus* v. *Dalton;* the result of the second was that careful lawyers continued to claim under a lost grant as well as under the Prescription Act (see Hall, Profits, 105; Gale, Easements, edn. 1876, p. [98]; *Aynsley* v. *Glover*, L. R. 10 Ch. 283), until another *casus omissus* has come up in *Wheaton* v. *Maple & Co.* [1893], 3 Ch. Div. 48. The plaintiff claimed an easement of light by prescription of forty-one years' open enjoyment against the defendants, who were tenants for years of the Crown on a ninety-nine year lease, falling in in 1914. As the Court of Appeal (Lindley, Lopes, A. L. Smith, L.JJ.) held that the section on light in the Prescription Act did not bind the Crown nor the Crown's tenants, because the reversion could not be bound, the plaintiffs were thrown upon the fiction of a lost grant. The court make short work both of the fiction and of the plaintiffs' case. Lindley — who in *Angus* v. *Dalton* said that "the owner of a building which has in fact been supported for twenty years has, *prima facie*, at all events, a right of action . . . against the owner of the adjoining land if he . . . take away the support. This proposition is open to doubt only on the ground that it is not wide enough. . . . It appears to me contrary to the reason for the theory itself to allow . . . an enjoyment to be disturbed simply because it can be proved that no grant was ever in fact made. If any lawful origin . . . can be suggested, the presumption ought to be made" — and Lopes, who in *Angus* v. *Dalton* simply concurred with Lindley, both now turn their backs upon the fiction. Lindley says, "A grant from the Crown . . . cannot be presumed, for there has been no enjoyment as against the Crown itself, and without it there is no foundation for such a presumption. . . . There is no legal presumption as distinguished from an inference, in fact, in favor of . . . a grant" from the lessees of the Crown. Lopes talks more emphatically. "To presume a lost grant made by the Crown or the lessees of the Crown since 1852, would be overtaxing the credulity of the most credulous, and would be making a demand too extravagant even for the elasticity of this patient and accommodating fiction." If the judges of the Court of Appeal go on consistently, another case will strip the presumption of every vestige of fiction, and leave it where it was two hundred years ago. The fiction was a passable one as fictions go; but it is no longer needed, and is dismissed with a bad character.